

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re: JEFFREY WINICK

Chapter 7  
Case No. 20-11976 (SHL)

Debtor.

-----X  
UNITED STATES OF AMERICA

Plaintiff,

-against-

Adversary No. 21-1138 (SHL)

JEFFREY WINICK

Defendant.

-----X

**SCHEDULING AND PRE-TRIAL ORDER**

**The parties cannot amend this order by stipulation or otherwise, and the Court will not amend it unless presented with (i) proof of cause beyond the control of the party seeking amendment and (ii) timely application as soon as possible after the party seeking amendment learns of the cause. FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTION. If delay or other act or omission of your adversary may result in a sanction against you, it is incumbent on you to promptly bring this matter to the Court for relief.**

It is hereby ORDERED as follows:

1. All discovery shall be completed by **July 1, 2022**. In the event of a dispute over discovery, the parties' counsel shall promptly confer to attempt in good faith to resolve the dispute. If, notwithstanding their good faith efforts to do so, they are unable to resolve a discovery issue, they shall promptly inform the Court by letter of the nature of the dispute and request a telephonic discovery conference. At the conference, the Court will ask the parties about their prior efforts to resolve the dispute.
2. Either or both parties may seek leave under the Local Bankruptcy Rules to move for summary judgment under Fed. R. Bankr. P. 7056 after completion of discovery and before taking the steps set forth in paragraphs 3-6 below. If such request is granted, the parties shall schedule the adjourned pre-trial conference to take place approximately one month after the scheduled hearing on summary judgment.
3. The Court will hold a final pretrial conference on **August 18, 2022 at 10:00 A.M.**

(unless a party has previously obtained permission under the Local Bankruptcy Rules to move for summary judgment, which motion shall be heard at that date and time), at which time the parties must be prepared to proceed to trial within two weeks.

4. In advance of the final pretrial conference, the parties shall have conferred and used their best efforts to agree on a joint exhibit book and shall have identified any exhibits whose admissibility is not agreed.
5. In addition, on or before two weeks before the final pretrial conference, the parties shall have exchanged proposed witness lists.
6. On or before one week before the scheduled trial date, the parties shall (a) submit to chambers declarations under penalty of perjury or affidavits of their direct witnesses, who shall be present at trial for cross-examination and redirect, or have sought the Court's permission to examine direct witnesses at trial and (b) submit to chambers the joint exhibit book referred to in paragraph 4 hereof.

Dated: White Plains, New York  
September 3, 2021

/s/ Sean H. Lane  
United States Bankruptcy Judge

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**DISCOVERY PLAN**

The parties to the above-captioned adversary proceeding agree and stipulate to the following discovery plan:

1. Initial disclosures pursuant to Federal Rule of Bankruptcy Procedure 7026 shall be served no later than **August 20, 2021**.
2. Any motion to amend pleadings or to join additional parties shall be filed no later than **September 3, 2021**.
3. The parties shall conduct discovery in accordance with the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, and the Local Rules of the Bankruptcy Court for the Southern District of New York, subject to the following schedule:
  - a. Initial interrogatories and documents requests shall be served by **September 10, 2021**.
  - b. All requests for admission shall be served by **January 28, 2022**.

- c. Unless extended by the Court for cause shown, all non-expert fact discovery, including responses to requests for admission and depositions of fact witnesses, shall be completed by **April 1, 2022**.
  - d. Initial expert reports shall be served by **April 29, 2022**.
  - e. Rebuttal expert reports shall be served by **May 27, 2022**.
  - f. Expert depositions shall be taken by **June 24, 2022**.
  - g. Unless extended by the Court for cause shown, all expert discovery shall be completed by **July 1, 2022**.
4. Any deposition may be conducted by video conference or other means agreeable to the parties and reasonable under the circumstances to ensure the health and safety of all persons attending the deposition.
5. The parties shall appear at a discovery status conference on **March 3, 2022 at 10:00 A.M.**

5. Except for the deadline contained in Paragraph 3(c) and (g) above, the parties may modify the deadlines set forth herein by mutual agreement or upon request and further order from the Court. The parties agree to act in good faith in discussing any extension to any such deadline. The deadline set forth in Paragraph 3(c) and (g) can be modified only upon request and further order from the Court.

Dated: August 16, 2021  
New York, New York

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Dated: August 16, 2021  
New York, New York

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